

REMARKS

Claims 11-45 remain pending in the application. Of these, claims 11, 14 and 22 are independent claims. Claims 11, 13, 14, 22, 34, 36 and 37 are currently amended.

The claims stand rejected in various combinations under 35 U.S.C. as 102(b) and 35 U.S.C. 103(a) based on Strasser et al U.S. Patent No. 4,838,282 (Strasser '282) or Strasser '282 in view of Cerny U.S. Patent No. 5,385,561 (Cerny '561), Mehl U.S. Patent No. 4,487,209 (Mehl '209), Webster U.S. Patent No. 4,820,755 (Webster '755), Bhiwandker et al U.S. Patent No. 3,523,011 (Bhiwandker '011), or Olson U.S. Patent No. 3,258,312 (Olson '312). Claims 11, 14 and 22 have been amended in view of this rejection. Strasser '282 and Cerny '561 do not disclose a tool in which a marker is visible through a viewing window. Mehl '209 discloses a tool in which a detent button 30 is visible through window/groove 42. However, the detent button 30 is not flush with the surface of the handle/rim 28. The detent button 30 provides for locking of the members 12 and 14 together by engagement through groove 42 over the spring member 44 and into positive locking detent 46 (see col. 4, lines 5-9). To engage locking detent 46, detent button 30 must be a protruberance that extends from the handle/rim 28. That is, the detent button 30 may not be flush with the handle/rim 28. As defined by the amended independent claims 11, 14 and 22, none of the references cited, alone or in combination, teach or suggest a tool in which a second handle has a surface and a marker that is essentially flush with the surface that fits into the viewing window of a first handle. The remaining claims depend from the amended claims 11, 14 and 22. Dependent claims 13, 34, 36 and 37 have been amended to reflect amendments to the independent claims. The fundamental shortcomings of Strasser '282, and Cerny '561, and Mehl '209 to disclose the subject matter being claimed are not overcome by the further recitation of Webster '755, Bhiwandker '011, or Olson '312.

Reconsideration in view of the foregoing amendments and remarks and allowance of claims 11-45 is respectfully requested.

Respectfully Submitted,

By Patricia A. Limbach  
Patricia A. Limbach  
Registration No. 50, 295

RYAN KROMHOLZ & MANION, S.C.  
Post Office Box 26618  
Milwaukee, Wisconsin 53226  
(262) 783 - 1300  
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421635c.ddd

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